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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

MDL No. 3084 CRB

Honorable Charles R. Breyer

**PLAINTIFFS' RESPONSE IN
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS CASES FOR
FAILURE TO COMPLY WITH PTO 31
AND SHOW-CAUSE ORDERS**

This Document Relates to:

Jane Doe 693827 v. UBER
TECHNOLOGIES, INC., et al.,
Case No. 3:24-cv-09515-CRB, MDL ID 2774

Jane Doe 691174 v. UBER
TECHNOLOGIES, INC., et al.,
Case No. 3:25-cv-04582-CRB, MDL ID 3473

John Doe KGDB 020 v. UBER
TECHNOLOGIES, INC., et al.,
Case No. 3:25-cv-04979-CRB, MDL ID 3543

Jane Doe 690917 v. UBER
TECHNOLOGIES, INC., et al.,
Case No. 3:25-cv-05318-CRB, MDL ID 3648

Jane Doe KG 013 v. UBER
TECHNOLOGIES, INC., et al.,
Case No. 3:25-cv-05577-CRB, MDL ID 3705

1 Jane Doe KG 016 v. UBER
2 TECHNOLOGIES, INC., et al.,
3 Case No. 3:25-cv-05582-CRB, MDL ID 3708

4 Jane Doe KG 039 v. UBER
5 TECHNOLOGIES, INC., et al.,
6 Case No. 3:25-cv-06077-CRB, MDL ID 3773

7 I. INTRODUCTION

8 Seven plaintiffs represented by Kherkher Garcia are the subject of Uber's *Motion to*
9 *Dismiss Cases for Failure to Comply with PTO 31 and Show-Cause Orders. See,* ECF No.
10 4456. The Court should deny the Motion as moot as regards MDL 3543 because this Plaintiff
11 has complied with PTO 31 on December 2, 2025. Kherkher Garcia has moved to withdraw from
12 representing the other six plaintiffs subject of the Motion. The Court should deny Uber's Motion
13 on all six.

14 II. ARGUMENT

15 A. MDL 3543 has complied with PTO 31

16 Undersigned counsel conferred with Uber's counsel regarding MDL 3543 on October 6,
17 2025. Particularly as regards this Plaintiff, Undersigned Counsel advised Opposing Counsel that
18 we were in communication with this client with the purpose of fully complying with PTO 31 but
19 that more time was required. Undersigned Counsel requested additional time to do so, but
20 Opposing Counsel never responded, deciding to file this motion instead.

21 MDL 3543 has fully complied with PTO 31 as of December 2, 2025. This Plaintiff has
22 never shown an unwillingness to comply with PTO 31. The opposite is true; it was just a matter
23 of having sufficient time to do so. The issue is therefore moot, and the Court should deny the
24 Motion. The Court should also deny the motion due to Uber's failure to meaningfully confer
25 regarding the issue.

1 *B. MDL 2774 is the subject of a pending motion to withdraw*

2 This Plaintiff has been the subject of sufficient motion practice. Undersigned Counsel
 3 moved to withdraw from her representation on August 28, 2025, at 24-cv-09515, ECF 9. The
 4 Court has not yet ruled.

5 Knowing that Undersigned Counsel has moved to withdraw from representing MDL
 6 2774 due to unresponsiveness, Uber still noticed PTO 31 deficiency and now seeks dismissal
 7 with prejudice. Uber knows well that Undersigned Counsel would likely never be able to assist
 8 reach MDL 2774 to comply with PTO 31. The Court should grant the motion to withdraw that is
 9 pending and deny Uber's motion.

10

11 *C. Kherkher Garcia has today moved to withdraw from representing MDLs 3473, 3648, 3705,
 12 3708, and 3773*

13 MDLs 3473, 3648, 3705, 4708, and 3773 are unresponsive to Undersigned Counsel's
 14 and Kherkher Garcia's multiple attempts to contact them regarding this litigation. Therefore,
 15 today, Kherkher Garcia has filed motions to withdraw from their representation. *See*, ECF Nos.
 16 4582-4586. Undersigned Counsel incorporates by reference these motions and their respective
 17 Exhibit A as if fully set forth herein. *See*, Id. And ECF Nos. 4582-1-4586-1.

18 None of these Plaintiffs have been alleged to have submitted a fraudulent ride receipt.
 19 They are only subjected to Uber's Motion for failure to comply with PTO 31. Undersigned
 20 Counsel has attempted many times to reach all of them unsuccessfully. Dismissal is a harsh
 21 remedy. Justice is better served by allowing Undersigned Counsel to withdraw and allowing
 22 each Plaintiff to appear through new counsel, if so desired, and comply with the Court's orders.
 23 The Court can dismiss any of these cases for want of prosecution should a particular Plaintiff
 24 fail to appear through new counsel.

25 Therefore, the Court should deny Uber's Motion on this group of five Plaintiffs and
 26 grant Undersigned Counsel's and Kherkher Garcia's motions to withdraw instead.

1 DATED: December 5, 2025

Respectfully Submitted,

2 /s/ Sadi R. Antonmattei-Goitia

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8 *Attorneys for Plaintiffs*

9 **CERTIFICATE OF SERVICE**

10 I hereby certify that on December 5, 2025, I electronically filed the foregoing document
11 with the Clerk of the Court using the CM/ECF system for filing thereby transmitting a Notice of
12 Electronic Filing to all CM/ECF registrants.

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14 By: /s/ Sadi R. Antonmattei-Goitia
15 Sadi R. Antonmattei-Goitia
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